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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/280,421
Filing Date: March 29, 1999
Appellant(s): SEZAN ET AL.

MAILED

JUN 18 2007

Technology Center 2600

Kurt Rohlf
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/5/07 appealing from the Office action
mailed 8/10/2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(8) Evidence Relied Upon

5,708,845

WISTENDAHL

1-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 & 15-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Wistendahl, (U.S. Pat # 5,708,845).

Considering amended claim 1, the claimed method for associating additional information with a video including a plurality of frames; comprising 'identifying at least one of the frames representative of a picture composed of a plurality of pixels', is met by the disclosure of the video data in Wistendahl, col. 5, lines 45-50; col. 9, lines 61-67 thru col. 10, lines 1-30. Fig. 2; Fig. 5a & 5b. In particular, the claimed, 'picture composed of a plurality of pixels', reads on the disclosure in Wistendahl, "this is accomplished by specifying the display location coordinates of selected objects within a frame or series of frames", (col. 4, lines 60-66), wherein "a hot spot can be any object identifiable in any type of digital presentation", (col. 5, lines 15-21), such that, "The definition of a 'hot spot' can be by defining a set of pixels in the display which comprise an outline around the object or alternatively, the area defined by a vector contour encompassing the designated area".

'providing a descriptive stream separate from the video, including the additional information in the descriptive stream related to the at least one frame' is met by the disclosure of the N data and IDM program data in Wistendahl, which is disclosed as including the coordinate mapping data associated with the selectable images in the video, col. 5, lines 1-15; col. 6, lines 1-30; col. 7, lines 12-35 & col. 9, lines 15-35. Wistendahl teaches further that the N data & IDM program data are preferably separate from the video, which also reads on the claimed subject matter, col. 6, lines 7-21.

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‘providing the video for display on the display device is met by Wistendahl, Fig. 3 & col. 6, lines 60-67.

‘selectively providing the additional information to a viewer approximately at the time of providing the video wherein the additional information is an object depicted by the picture by the pixels’ is also met by the disclosure of Wistendahl, col. 5, lines 45-67; col. 13, lines 1-58. ‘The additional information is an object depicted by the picture by the pixels’, reads on the discussion in Wistendahl the N-data includes hot spots, which are defined as a set of pixels in the display which comprise the outline of the object”. Thus, examiner asserts that the N-data in Wistendahl defines objects in the video frames, at least by the pixels that outline the object.

The claimed additional information including executable computer program code, reads on the IDM program code, which is the hyperlink and trigger information, used to launch web sites and/or applications; col. 5, lines 1-15; col. 6, lines 1-55.

Considering claim claims 2, 7, 16 & 28, Wistendahl, col. 5, lines 51-67; col. 6, lines 20-40; col. 9, lines 15-30 & col. 10, lines 1-15 meets the claimed subject matter.

Considering claim 3, the descriptive information in Wistendahl, i.e., N data, identifies objects within a frame, col. 5, lines 21-35; col. 10, lines 16-45.

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Considering claim 4-5, the descriptive stream in Wistendahl may be related to a plurality of frames, in a time sequential order, col. 10, lines 1-50 & col. 11, lines 25-65.

Considering claim 6, the recited non-sequential frame reads on the user in Wistendahl selecting a particular object in a frame, and later selecting a different object in a different frame sequence.

Considering claim 8, the claimed index reads on the N data of Wistendahl, Fig. 2 & col. 6, lines 21-40 & col. 7, lines 15-27, disclosed as an array of location coordinates, which synchronizes the video with N-data.

Considering claims 10-11, see Wistendahl, col. 9, lines 50-55; col. 12, lines 51-58.

Considering claim 12, Wistendahl teaches the use of MPEG-2 video broadcasts, col. 10, lines 58-67 and is generally directed to TV broadcasts.

Considering claim 15, the claimed visual indication of a hot-spot reads on the outline of the selectable objects shown in Fig. 2 of Wistendahl.

Considering claims 17 & 29, the associated data in Wistendahl may include video, which also includes audio.

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Considering claims 18 & 30, Wistendahl discusses how the hot-spot changes as the video progresses, which reads on a motion model, col. 10, lines 28-67 & col. 11, lines 25-60. Also, Wistendahl discloses that the N-data may be the vector contour of the area encompassing the object, col. 5, lines 61-63, which reads on 'shape'.

Considering claim 19, the claimed subject matter reads on Wistendahl, col. 13, lines 50-60.

Considering claim 20, the claimed program instructions read on IDM program included in the N data of Wistendahl, col. 6, lines 15-45

Considering claim 21, the claimed elements of a video system corresponds with subject matter mentioned above in the rejection of claim 1, and is likewise treated. Wistendahl (Fig. 3) disclose the claimed encoder and receiver, col. 6, lines 55-67.

The additionally claimed trigger mechanism reads on the operation of the N data and IDM program, disclosed in Wistendahl, col. 6, lines 1-40 & col. 8, lines 38-67.

Considering claims 22-23, see Wistendahl Fig. 1 & Fig. 3.

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Considering claims 24-25, the claimed subject matter reads on the user in Wistendahl interactively selecting a hot-spot using a remote control 36, which is taught by the reference, col. 7, lines 35-55.

Considering claims 26-27, the recited feature corresponds with subject matter mentioned above in the analysis of claims 3, 19 & 20, and are thus likewise treated.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl.

Considering claim 13, the references does not discuss providing additional information on a remote control. Official Notice is taken that at the time the invention was made, it was known in the art to provide subscribers with additional information via an LCD type display on a remote control. It would have been obvious for one of ordinary skill in the art at the time the

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invention was made, to modify Wistendahl to provide messages on a remote control, at least for the desirable improvement of ensuring that the viewer is informed of interactive options.

Considering claim 14, Official Notice is taken that at the time the invention was made, providing subscribers with an audible tone to indicate a message is available was old in the art, particularly being used in when receiving emergency broadcast information. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Wistendahl with the well known technique of an audible tone to indicate reception of information, at least for the known benefit of informing the subscriber, even when the instant subscriber is not actually looking at the TV screen.

(10) Response to Argument

Appellant's argument appears to be limited to discussion on page 6, "The flaw in examiner's rejection, however, is that neither the N-data nor the IDM program code are objects depicted by said picture. Though the N-data maps objects in the pictures to coordinate system, the N-data cannot be said to be the objects themselves that are mapped. Moreover, the IDM

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program code merely implements instructions that are carried out when the N-data coordinates are selected”.

Examiner first of all points out that Appellant (on page 4 of the Appeal Brief) notes that the claimed limitations are found in the specification at pg. 6, line 25 to pg. 6, line 1. Thus, it is not clear if appellant intends to note (to pg. 7, line 1) or pg. 6, line 1 to pg. 6, line 25. Examiner notes that this disclosure corresponds with Fig. 1 of the drawings. Both, the drawings & the specifications shows objects 17a, 17b, which appear in the video frame(s) 16, wherein the video frame(s) 16 are included in the video sequence 14, hereinafter VS 14. Examiner furthermore notes that the specification on pg. 6, lines 15-18, states, “The descriptive stream contains **additional information about objects**, such a s 17a & 17b. The descriptive stream 12, hereinafter DS 12, includes data blocks 18 where each block is associated with one or more frames 16, and particularly objects 17a, 17b, within one or more frames. (emphasis added)”.

Appellant also points to pg. 26, line 4 to pg. 27, line 22, as supporting the claimed feature. The subject matter of this disclosure discusses a user selecting one or more regions or objects of interest in an image, (pg. 26, lines 13-18). Pg. 27, lines 9-16 goes on to discuss object-based additional information related to an object, and that a rough geometric outline of the object is maintained. Moreover, on pg. 9, lines 9-14, the specification discusses the object index field 30, found within the additional information, which is a part of the DS 12, “The object index field 30 indexes one or more individual objects 17a, 17b, within the frame 16. In the case of indexing

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the frame as a whole, the object index field 30 indexes the frame. The object index field 30 preferably contains a geometrical definition of the object", emphasis added.

Examiner interprets the claim in light of the specification, such that the 'additional information is an object depicted by said picture by said pixel'. The 'additional information is an object', is interpreted to mean the geometrical definition of the object, as explained on pg. 9, lines 12-15. This interpretation is believed to be correct, since again, as pointed out above, the actual objects (17a, 17b, Fig. 1 or 46, 54 Fig. 2) themselves are found in the VS 14, whereas the additional information contains an object index field 30, which is a geometrical definition of the object.

This clarification is important, since appellant argues that the N-data in Wistendahl does not contain objects, but instead the "N-data maps objects in the pictures to a coordinate system". However, it is pointed out that col. 5, lines 55-60, states "The definition of a 'hot spot' can be made by defining a set of pixels in the display which comprise an outline around the designated area, e.g., $p(a_j, a_k)$ Alternatively, the area may be defined by a vector contour encompassing the designated area".

Thus, since the 'additional information is an object depicted by said pictures by said pixels', reads on the outline or contour of an image, i.e., object found in the video frame, this limitation is met by the disclosure of Wistendahl. In particular, the reference identifies an object,

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at least by the set of pixels that define its outline or its vector contour, saves this data as N-data and represents the object as a hot spot.

As for the argument that “the IDM program code merely implements instructions that are to be carried out when N-data coordinates are selected”, this explanation of Wistendahl corresponds with the limitation recited in claim 1, ‘said additional information includes executable computer code’. The IDM program code in Wistendahl is a computer executable code that is executed when a viewer selects one of the hot spots on the TV screen, col. 5, lines 1-14; col. 6, lines 25-29; col. 8, lines 38-65. Wistendahl explicitly teaches that the IDM executes the response programmed by the hyperlink established for that “hot spot”, as indicated by box 41b (Fig. 4), which meets the relevant claim language.

It is noted that instant specification, pg. 7, lines 15-25 & pg. 11, lines 1-26, discloses that the additional information (sub-block 22, 24, which corresponds with objects 17a, 17b), may at least be object links 38 and/or URL links 40. The IDM program code in Wistendahl corresponds directly with these object links 38 and/or URL links 40.

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For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,



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